

IN THE DISTRICT COURT OF OKMULGEE COUNTY  
STATE OF OKLAHOMA

CJ-2016-118

JARED STICE,

Plaintiff,

v.

DANIEL FEATHERSTONE, individually  
and in his capacity as an employee of:  
WOODGRAIN MILLWORK, INC., an  
Idaho Corporation, and WOODGRAIN  
DISTRIBUTION, an assumed name of  
MILLSOURCE, INC., an Idaho  
Corporation; and WOODGRAIN  
MILLWORK, INC., an Idaho Corporation;  
and WOODGRAIN DISTRIBUTION, an  
assumed name of MILLSOURCE, INC.,  
an Idaho Corporation,

Defendants.

Case No. CJ-2016-\_\_\_\_\_

CLERK OF DISTRICT COURT  
OKMULGEE COUNTY, OKLA  
TULSA DISTRICT

12-11-16

DISTRICT COURT CLERK  
D-001

PETITION

COMES NOW, the Plaintiff, JARED STICE, in the above-entitled and numbered cause of action, by and through his attorney of record, the Fontanez Law Firm, PLC, and Stephanie J. Milburn, and for his cause of action against the Defendants DANIEL FEATHERSTONE, WOODGRAIN MILLWORK, INC. and WOODGRAIN DISTRIBUTION, an assumed name of MILLSOURCE, INC., would allege and state as follows:

I. JURISDICTION AND VENUE

1. The Plaintiff is and was at all times relevant and material to this cause of action, a citizen and resident of Tulsa County, State of Oklahoma.

2. Upon information and belief, Defendant DANIEL FEATHERSTONE, at all times relevant and material to this cause of action, a citizen and resident of Johnson County, State of Texas.

3. Upon information and belief, Defendant WOODGRAIN MILLWORK, INC., is an Idaho Corporation organized and doing business in the State of Idaho, who also does business and transports goods through the State of Oklahoma.

4. Upon information and belief, Defendant WOODGRAIN DISTRIBUTION, is an assumed name of MILLSOURCE, INC., an Idaho Corporation organized and doing business in the State of Idaho, who also does business and transports good through the State of Oklahoma.

5. The amount in controversy exceeds *Ten Thousand Dollars* (\$10,000) and is within the jurisdictional limits of this Court.

6. The facts giving rise to this cause of action occurred within the confines of Okmulgee County, State of Oklahoma. This Honorable Court has jurisdiction and venue over the party litigants and subject matter named herein.

## **II. FACTUAL ALLEGATIONS**

7. On the 18<sup>th</sup> day of February, 2016, the Plaintiff was damage by reason of a motor vehicle accident, occurring in Okmulgee County, State of Oklahoma, caused by the negligence of the Defendants.

8. Defendant DANIEL FEATHERSTONE was the driver and operator of the subject tractor-trailer during the accident; Defendant WOODGRAIN

MILLSTONE, INC., and Defendant WOODGRAIN DISTRIBUTION, an assumed name of MILLSOURCE, INC., are the owners of said tractor-trailer and negligently entrusted the same to DANIEL FEATHERSTONE whereupon his negligence he caused the above-described motor vehicle accident.

**III. FIRST CAUSE OF ACTION: NEGLIGENCE**

9. Plaintiff adopts and re-alleges paragraphs numbered 1-8 above and incorporates by reference the allegations contained therein.

10. Defendant FEATHERSTON, WOODGRAIN MILLWORK, INC., and WOODGRAIN DISTRIBUTION, an assumed name of MILLSOURCE, INC., owed Plaintiff a duty of reasonable care in the operation and driving of the tractor-trailer.

11. Defendants breached that duty when they did not use reasonable and ordinary care by driving the tractor-trailer recklessly, negligently and maliciously.

12. That as a result of the above-mentioned automobile accident, the Plaintiff received personal injuries for which he is entitled to damages against the Defendant regarding physical injuries, medical expenses, pain and suffering (past, present and future), emotional trauma (past, present and future), loss of certain abilities, loss of wages, loss of enjoyment, any permanent disability, and other losses resulting therefrom

13. The actions, inactions, and omission of Defendants were the direct and proximate cause of injuries sustained by Plaintiff.



14. Defendants caused Plaintiff damages in an amount in excess of \$10,000.00.

**IV. SECOND CAUSE OF ACTION: NEGLIGENT ENTRUSTMENT**

15. Plaintiff adopts and re-alleges paragraphs 1-14 above and incorporates by reference the allegations contained therein.

16. Based on Defendant FEATHERSTONE's conduct enumerated above, Defendants WOODGRAIN MILLWORK, INC. and WOODGRAIN DISTRIBUTION, an assumed name of MILLSOURCE, INC., negligently entrusted their vehicle to Featherstone.

17. Defendants also failed to exercise the ordinary care of a reasonable and prudent organization under the same or similar circumstances by, among other things:

- A. Failing to properly train Featherstone;
- B. Failing to implement adequate policies and protections to prevent accidents such as the one that forms the basis for this lawsuit;
- C. Failing to promulgate adequate policies and procedures to prevent accidents such as the one that forms the basis for this lawsuit; and
- D. Other acts of negligence.

18. As a result of Defendants WOODGRAIN MILLWORK, INC., and WOODGRAIN DISTRIBUTION, an assumed name of MILLSOURCE, INC.,

negligence, which caused the Plaintiff's injuries, Plaintiff is damaged in an amount in excess of *Ten Thousand Dollars* (\$10,000).

**V. THIRD CAUSE OF ACTION: PUNITIVE DAMAGES**

19. Plaintiff adopts and re-alleges paragraphs numbered 1-18 above and incorporates by reference the allegations contained therein.

20. The actions by Defendants resulted in punitive damages to the Plaintiff, therefore, Plaintiff is entitled to punitive damages in accordance with Oklahoma Law.

**WHEREFORE**, premises considered, Plaintiff prays that he have and receive judgment against the Defendants for his actual and punitive damages, costs of this action, pre and post judgment interest at the current statutory rate, and his attorneys' as set by statute, and such other and further relief as deemed by the Court and jury to be fair, equitable and just, in an amount well in excess of \$10,000.00.

Respectfully submitted,  
**FONTANEZ LAW FIRM, PLC**



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